

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Mary L. Sherman,

Plaintiff,

v.

Case No. 2:12-cv-738

Commissioner of Social
Security,

Defendant.

ORDER

This matter is before the court for consideration of the October 21, 2013, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). See Doc. 21. The magistrate judge recommended that the court grant the plaintiff's motion for an award of attorney fees and costs pursuant to the Equal Access to Justice Act, but that the hourly amount be reduced to the statutory rate of \$125 per hour, resulting in an award in the amount of \$2,375.00. The magistrate judge further recommended that the court issue no order as to how that award must be paid.

The report and recommendation specifically advised the parties that the failure to object to the report and recommendation within fourteen days of the report would result in a "waiver of the right to de novo review by the District Judge and of the right to appeal the decision of the District Court[.]" Doc. 21, p. 7. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court has reviewed the report and recommendation of the

magistrate judge. Noting that no objections have been filed and that the time for filing such objections has expired, the court adopts the report and recommendation of the magistrate judge (Doc. 21). Accordingly, plaintiff's motion for attorney fees and costs (Doc. 18) is granted. However, plaintiff will be awarded attorney fees based on the statutory rate of \$125 per hour. Plaintiff is hereby awarded attorney fees and costs under the Equal Access to Justice Act, 28 U.S.C. §2412, in the amount of \$2,375.00.

Date: November 8, 2013

s/James L. Graham
James L. Graham
United States District Judge